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October 30, 2017

Honorable John F. Keenan  
United States District Judge  
United States District Court  
for the Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *BSG Resources (Guinea) Limited, et al. v. George Soros, et al.*, No. 1:17-cv-02726 (JFK)

Dear Judge Keenan:

We write in response to Plaintiffs' request to add two discovery objections to the Court's November 7 motion calendar when the Court is scheduled to hear Defendants' motion to dismiss. Defendants oppose this request.

Defendants' motion challenges the justiciability of Plaintiffs' claims on the basis of the act of state doctrine because adjudicating the claims, arising out of the country of Guinea's termination of Plaintiffs' mining rights, will require the Court to adjudicate the validity of Guinea's termination. Defendants' motion raises additional and independent reasons why each of Plaintiffs' claims should not move forward. In addition, the motion includes an alternative request for a stay pending resolution of the arbitration between Plaintiffs and Guinea over the mining licenses. Defendants respectfully submit that the time reserved on November 7 should be devoted to the gating and dispositive issues raised in Defendants' motion to dismiss or stay without the distraction of discovery disputes. Moreover, if the Court grants Defendants' motion to dismiss or stays this case, the pending objections will be moot.<sup>1</sup>

Respectfully submitted,

s/ Joseph T. Baio

Joseph T. Baio

cc: Louis M. Solomon (via ECF)

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<sup>1</sup> Plaintiffs raise the current fact discovery deadline of December 1 to support their request. The proximity of the November 7 hearing date to current fact discovery deadline is a problem of Plaintiffs' own making as Plaintiffs' requests to adjourn this hearing caused a six week delay. They should not now be heard to complain about the timing.